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Security Council

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Letter dated 4 September 2012 from the Chair of the Security Council Committee established pursuant to resolution 1988 (2011) addressed to the President of the Security Council

I have the honour to transmit herewith the report of the Security Council Committee established pursuant to resolution 1988 (2011), presenting its position on the recommendations contained in the first report of the Analytical Support and Sanctions Monitoring Team established pursuant to resolution 1526 (2004), in accordance with paragraph (a) of the annex to resolution 1988 (2011).

I should be grateful if the attached document could be brought to the attention of the Council members and issued as a document of the Security Council.

(*Signed*) Peter **Wittig**
Chairman
Security Council Committee pursuant to resolution 1988 (2011)

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Recommendations contained in the first report of the Analytical Support and Sanctions Monitoring Team: position of the Committee

1. Introduction

1. The Committee established pursuant to Security Council resolution 1988 (2011) has considered the first report of the Analytical Support and Sanctions Monitoring Team submitted pursuant to that resolution (S/2012/683). The Committee welcomes the Monitoring Team's efforts to identify options for improving the implementation and effectiveness of the sanctions measures, in particular with regard to the Afghan-led peace process. At the same time, the Committee wishes to express its appreciation for the constructive proposals provided by the Afghan authorities in its continued dialogue with the Monitoring Team.

2. With this position paper the Committee would like to bring to the attention of the Security Council its position on the recommendations contained in the Monitoring Team's report,[1] made on the basis of the Monitoring Team's dialogue with the Afghan authorities, in particular on recommendations relating to the future practice of exemptions to the travel ban, which is considered especially relevant for the Afghan-led peace process. The Committee, however, notes that during the reporting period the Committee did not receive any formal proposal from the Government of Afghanistan relating to the implementation of the sanctions regime established under resolution 1988 (2011).

2. Maintaining the 1988 (2011) Sanctions List

The quality of the List, the listing and delisting process

(paragraphs 22 to 32 of the report)

3. The Committee recalls the criteria for listing as set out in paragraphs 1 to 7 of resolution 1988 (2011). States shall take measures with respect to individuals, groups, undertakings and entities associated with the Taliban in constituting a threat to the peace, stability and security of Afghanistan as designated by the Committee. Views on structures and formal relations between Taliban groups differ. In this context the approach of the Monitoring Team, as outlined in the annex to its report, to attribute a certain nomenclatura to some of the Taliban groups, was questioned by some Committee members. The Committee notes that 9 of the 50 individuals identified by the Monitoring Team as comprising the core membership of the Taliban are not listed.

4. The Committee looks forward to the periodic follow-up reporting and recommendations by the Monitoring Team on the linkages between those individuals, groups, undertakings and entities eligible for designation under paragraph 1 of resolution 1988 (2011) and Al-Qaida, as mandated under paragraph (u) of the annex to the resolution.

[1] This is the first report of the Monitoring Team and therefore the first written position of the Committee to the Security Council on the reports of the Monitoring Team.

5. Furthermore, the Committee would like to recall that, in line with paragraph 5 of resolution 1988 (2011), means of financing or support of the Taliban and individuals, groups, undertakings and entities associated with the Taliban in constituting a threat to the peace, stability and security of Afghanistan include the use of proceeds derived from the illicit cultivation, production and trafficking of narcotic drugs and their precursors. In this context, the Committee wishes to recall that in paragraph 10 of resolution 1988 (2011) the Security Council encouraged all Member States to submit listing requests to the Committee. The Committee considers listing requests on a case-by-case basis, applying the listing criteria outlined in paragraphs 3 and 4 of resolution 1988 (2011).

Cooperation with the Government of Afghanistan

(paragraphs 27, 28, 29 and 31 of the report)

6. The Committee values the fruitful cooperation with relevant Afghan authorities, including the Permanent Mission of Afghanistan to the United Nations, the National Security Council and the High Peace Council, and welcomes the continued support provided by the Special Representative of the Secretary-General for Afghanistan and the United Nations Assistance Mission in Afghanistan (UNAMA). Regarding the recommendations on consultations and coordination with the Afghan authorities, the Committee wishes to reiterate paragraph 16 of resolution 1988 (2011) and paragraph 7 (c) of the Committee Guidelines, in which Member States are called upon to consult, where appropriate, with the Afghan authorities when considering the proposal of a new designation. The Committee deems the current consideration periods for listing and delisting requests as contained in paragraphs 7 (l) and 8 (q) of the Committee Guidelines appropriate.

Translation of the 1988 (2011) Sanctions List into Pashto and Dari

(paragraph 33 of the report)

7. The Committee acknowledges the utility of translating the 1988 (2011) Sanctions List into Dari and Pashto. The Committee has requested the Monitoring Team and the Secretariat to provide further details on the practicalities of such an exercise, including budgetary implications, and to explore options for the implementation of such a proposal, including the possibility of UNAMA providing assistance with the translations.

3. Asset freeze: exemptions for basic expenses and stipends

(paragraphs 49 to 51 of the report)

8. As requested by the Security Council, the Committee is currently considering improvements in the process of granting exemptions, in particular for basic expenses and stipends for reconciled individuals. The Committee notes the relatively few exemption requests made under paragraph 1 (a) of resolution 1452 (2002) and has requested the Monitoring Team to seek additional information, including on the concept of basic expenses in the Afghan context and on the volume of payments in the framework of the reconciliation and reintegration programmes.

4. Travel ban: exemptions

(paragraph 57 of the report)

9. The Committee recalls that it determines exemptions to the travel ban for listed individuals on a case-by-case basis. The Committee underlines the political relevance of exemptions to the travel ban in particular with regard to the Afghan-led peace process, and reaffirms its commitment to ensuring that procedures are put in place which best respond to the specificities of this process. In this context, the Committee welcomes the fact that the Monitoring Team has provided in its report a wide range of options aimed at enhancing the flexibility of existing procedures. The Committee will include those options, as well as the possibility of further enhancing the involvement of the Special Representative of the Secretary-General for Afghanistan and UNAMA, in its ongoing consideration of this particularly relevant issue, in view of further developments in the peace and reconciliation process.

5. Arms embargo

(paragraph 65 of the report)

10. The Committee takes note of the Monitoring Team's proposals regarding the enhancement of the arms embargo measures. It was noted that ammonium nitrate-based fertilizer is an important agricultural input which is used in all neighbouring States of Afghanistan, and, therefore, the feasibility and practicality of the Monitoring Team's proposal regarding the ammonium nitrate-based fertilizer trade was questioned.